

FISCAL NOTE

HB 2525 - SB 2975

March 20, 1998

SUMMARY OF BILL: Provides for two civil systems for seizing a driver license and issuing a temporary permit when a person is operating a vehicle and registers .10% blood alcohol level or greater or refuses to take the test. One system would apply only to Davidson, Hamilton, Knox, Montgomery, Shelby, Sullivan, and Sumner counties and the department of safety would administratively revoke the driver license. A hearing could be requested to determine the appropriateness of the action. The department of safety would conduct the hearing, the results of which could be appealed by petitioning for judicial review in the chancery court of Davidson county. The revocation would be for a period of twelve months. If the person has no prior record of DUI, application for a restricted license may be made after 60 days. A \$100 restoration fee would be paid as well as an administrative processing fee of \$50 for a person who has had a notice of proposed revocation. A review of the implementation and effectiveness of this system would be due four years after becoming law.

In the remaining counties, the general sessions court would conduct the hearing at the same time as the first full hearing on the DUI charge. The court could then order the revocation of the driver license. If the defendant requests a hearing and does not prevail, the defendant must pay court costs, not to exceed \$75. The revocation period would be for a period of three months, if no previous DUI convictions in the preceding five years. The revocation period would be for one year, if one or more DUI convictions have occurred during the five year period. No driving privilege may be restored until applicable court costs, a \$10 administrative processing fee, and a fee of \$25 if a warrant or notice of proposed license was issued. A review of the implementation and effectiveness of this system would be due two years after becoming law.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$769,000 Recurring
\$191,000 One-Time**

**Increase State Revenues - \$35,000 First Year
\$538,000 Second and Subsequent Years**

**Increase Local Govt. Expenditures* - Exceeds \$100,000
Increase Local Govt. Revenues - Exceeds \$100,000**

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Assumes:

- the department of safety will add 15 positions at a cost of \$263,000, incur \$153,000 in recurring operating expenses, and expenditures of \$353,000 for arresting officers testifying at hearings.
- one-time expenditures of \$191,000 to purchase equipment, revised or new forms, and computer programming
- of 13,830 court suspensions, 25% will pay \$100 processing administrative fee increasing state revenues the first and subsequent years. Of 13,412 estimated departmental suspensions, 25% will reinstate the second and subsequent years. They will pay a \$100 reinstatement fee and a \$50 administrative process fee increasing state revenues.
- the cost to local governments to hold new administrative hearings will require additional staff to be hired as well as procuring extra space, equipment, and supplies. The expenditures could not be determined, but are estimated to exceed \$100,000.
- of 13,830 court suspensions, 25% will reinstate the first year and pay a \$25 administrative processing fee increasing local government revenues. The court would also receive a \$75 fee for each hearing conducted. Although the number of hearings could not be determined, total local government revenues are estimated to exceed \$100,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director